REMARKS

Prior to entry of the Amendment, claims 1, 3, and 5 are pending in the Application. Herein, claims 1 and 3 have been amended, and no claims have been added or cancelled. Accordingly, upon entry of this Amendment claims 1, 3, and 5 will remain pending in the Application.

Claims Rejections – 35 UC § 103

In the Office Action, the Examiner rejected claims 1, 3, and 5 as being unpatentable over U.S. Patent No. 6,640,105 to Shin in view of European Patent No. EP 0 892 571 A2 to Rinne et al. Applicants respectfully traverse.

Initially, Applicants point out that that the present invention is directed to a method and apparatus for taking measurements in a mobile telecommunications system, and is executed at a UE (user equipment) device. In contrast, Shin describes a method for controlling a radio access bearer and Rinne a method for allocating time (that is, idle time) to a mobile station. In Shin, the network RRC sends a control message, and the UE-RRC requests that the MAC carry out a traffic monitoring function. This function involves, of course, monitoring traffic, and also involves reporting a result. The result is reported to the network RRC, which uses the result to control the radio access bearers. The traffic monitoring function executes reports for one of two modes, namely, periodic and threshold. In periodic mode, traffic information is reported to the network at specified times, and in threshold mode, it is reported when a comparison of actual traffic values is above or below a specified threshold value, or outside a specified range. If the network wants periodic reports, an interval is specified in the measurement control message, and if it wants reports based on exceeding a threshold value or values, then those values are specified instead. (*See, for example,* Shin, col. 4, line 51 to col. 5, line 22 and claim 1.)

Shin does not, as acknowledged in the Office Action, disclose monitoring for a change in state of the UE and issuing a measurement control pause command in response to a change in UE state, stopping taking measurements in response to the measurement control pause command and maintaining the measurement settings previously initialized, monitoring for a change in state of the UE and issuing a measurement control resume command in response to a change in UE

state, and resuming taking measurements with the maintained measurement settings upon receipt of the measurement control resume command. It is noted that these missing elements are significant in terms of distinguishing the present invention from the conventional operation of the prior art.

Rinne does not supply these missing elements. Although it refers to taking measurements (*see, for example,* Rinne, col. 1, lines 22-23), the system of Rinne involves a request by a mobile station to a network for idle time in which measurements may be conducted. (*See* Rinne, Abstract, col. 3.) Columns 1 and 2 of Rinne basically describe the amount of time available for such functions, and why it may be insufficient in light of the various modes of operation the mobile station may encounter especially as it roams from subsystem to subsystem. Several examples of the way in which the mobile station may negotiate adequate time are set forth in Rinne, col. 3, line 7 to col. 4, line 6. In each method, the mobile station tells the network how much time it needs, and the network informs the mobile station how much time is actually available. (*See* col. 4, lines 1-6.) The mobile station may also indicate that it requires more idle time later on (col. 5, lines 4-6), or that it is merely inquiring about possible idle periods (col. 6, lines 49-50). The mobile station may also indicate the idle time it needs in different ways (col. 7, lines 5-6), such as idle time allocated in more than one part (col. 7, lines 25-27). Columns 8 and 9 of Rinne (and elsewhere) also discuss ways in which more idle time may be found. Again, however, Rinne does not teach or suggest the elements of the present invention acknowledged to be missing from Shin.

Rinne does indicate that whatever idle time is requested, granted, or expanded may be used for other purposes besides taking measurements. (*See* Rinne, col. 12, lines 49-54.) An example of one of these other purposes is to change a battery. (*See* Rinne, col. 14, lines 12-54.) The operation of the mobile station during battery change is not described in great detail, although reference is made to storing connection information in a non-volatile or peripheral media (col. 14, lines 27-33), presumably because any volatile memory will be cleared when power is interrupted. Reference is also made to alerting the network to the pause required for changing the battery (col. 14, lines 21-24), presumably so the network does not drop the connection when no communication is received from the mobile station during that time. When

the battery change is complete, the mobile station fetches the information and alerts the network that it is ready to continue communications (col. 14, lines 43-50). This battery-change operation has little to do with the measurement taking that is the subject of the present invention. In addition, as described in Rinne, it involves the same "request for idle time, allocation of idle time" that was described earlier (*see, for example,* Rinne, col. 3). It does not involve taking measurements or method for taking measurements. It also does not involve communication between the UE-RCC and a Layer 1 (or, at least, none is described or suggested), nor does it involve the issuing of measurement control pause commands or measurement control resume commands, either from the RCC to a Layer 1 or otherwise.

Applicants respectfully suggest that the above remarks, which Applicants respectfully suggest are fully responsive to the Examiner's Office Action and sufficient to overcome the rejection of claims 1, 3, and 5.

Small changes have been made to claims 1 and 3 for clarity, and do not change the scope of the invention there recited.

In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner contact Applicants' attorney at the address below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account 50-2032.

Respectfully submitted,

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